IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1183 OF 2005

Mr.Suresh Joshi ..Petitioner
Vs.
M/s.Arti Capital Services
Pvt. Ltd.and Or. ..Respondents

...
Mr.M.K.Jain Advocate for Peititoner
Ms.S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 10, 2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned Metropolitan Magistrate, at Mazgaon, Mumbai in C.C.No.292/S/2003. In the said case process was issued against the petitioner under Section 138 r.w.141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an

efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the date before the trial Court is 14.10.2005. In view of the statement, the trial Court shall not proceed with the trial on 14.10.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]